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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

Case No.: BK-S-15-14956-abl  
Chapter 11

MARC JOHN RANDAZZA

Date: October 21, 2015  
Time: 1:30 p.m.  
Courtroom 1

Debtor.

**NOTICE OF ENTRY OF ORDER**

TO: WHOM IT MAY CONCERN

NOTICE IS HEREBY GIVEN that on the 29th day of October, 2015, an *Order Granting Debtor's Motion Pursuant to 11 U.S.C. §§ 105(a) and 366 for an Order Determining that Adequate Assurance has been Provided to Utility Companies* [ECF No. 64] was entered in the above-entitled matter, a copy of which is attached hereto.

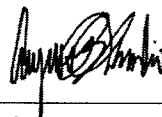
Dated: October 30, 2015.

LARSON & ZIRZOW, LLC

By:   
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Honorable August B. Landis  
United States Bankruptcy Judge



Entered on Docket  
October 29, 2015

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**UNITED STATES BANKRUPTCY COURT  
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In re:

MARC JOHN RANDAZZA,

Debtor.

Case No.: BK-S-15-14956-abl  
Chapter 11

Date: October 21, 2015  
Time: 1:30 p.m.  
Courtroom 1

**ORDER GRANTING DEBTOR'S MOTION PURSUANT TO  
11 U.S.C. §§ 105(a) AND 366 DETERMINING THAT ADEQUATE  
ASSURANCE HAS BEEN PROVIDED TO UTILITY COMPANIES**

Marc John Randazza, as debtor and debtor in possession (the "Debtor"), having filed his *Motion Pursuant to 11 U.S.C. §§ 105(a) and 366 for an Order Determining that Adequate Assurance Has Been Provided to Utility Companies* (the "Motion") [ECF No. 22]<sup>1</sup>; notice of

<sup>1</sup> All capitalized, undefined terms shall have the meaning ascribed to them in the Motion.

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1 hearing on the Motion and the Motion having been properly and timely served; no oppositions to  
2 the Motion having been filed; the Court having reviewed and considered the Motion, and having  
3 held a hearing on the Motion; the Court having stated its findings of fact and conclusions of law  
4 on the record at the hearing, which findings of fact and conclusions of law are incorporated  
5 herein by this reference in accordance with Rule 52 of the Federal Rules of Civil procedure,  
6 made applicable pursuant to Rules 7052 and 9014 of the Federal Rules of Bankruptcy Procedure;  
7 and sufficient cause appearing therefor,

8 **IT IS HEREBY ORDERED** as follows:

- 9 1. The Motion is granted in its entirety;
- 10 2. Except in accordance with the procedures set forth below, absent further order of  
11 the Court, the Debtor's utilities (as such term is used in 11 U.S.C. § 366, collectively, the  
12 "Utility Providers") are prohibited from: (a) altering, refusing, or discontinuing service to, or  
13 discriminating against the Debtor solely on the basis of the commencement of his bankruptcy  
14 case or on account of any unpaid invoice for services provided before the Petition Date, and (b)  
15 requiring the payment of a deposit or other security in connection with the Utility Providers'  
16 continued provision of utility services, including the furnishing of gas, heat, electricity, water,  
17 telephone service, or any other utility of like kind, to the Debtor;
- 18 3. If a Utility Provider is not satisfied with the assurance of payment provided under  
19 this order, the Utility Provider must serve a written request (a "Request") for additional  
20 assurance of payment, which Request must be served upon the Debtor's counsel a detailed  
21 written request so that it is actually received within fifteen (15) days of the date of this Order  
22 (the "Request Deadline"). The Request must set forth the location(s) for which utility services  
23 are provided, the last 4 digits of the account number(s) for such location(s), the outstanding  
24 balance for each account and a summary of the Debtor's payment history for the eighteen (18)  
25 months prior to the Petition Date on each account. Without further order of the Court, the  
26 Debtor may enter into agreements granting additional adequate assurance to a Utility Provider  
27 serving a timely Request, if the Debtor in his discretion determines that the Request is reasonable  
28 or if the parties negotiate alternate consensual provisions;

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1           4.       If the Debtor believes that a Request is unreasonable, Debtor shall file a motion  
2 pursuant to 11 U.S.C. § 366(c)(2) (a “Determination Motion”) within thirty (30) days after the  
3 Request Deadline, seeking a determination from the Court that the Utility Deposit Reserve  
4 constitutes adequate assurance of payment. Pending notice and a hearing on the Determination  
5 Motion, the Utility Provider that is the subject of the Request may not alter, refuse, or  
6 discontinue services to Debtor nor recover or set off against a prepetition deposit;

7           5.       Any Utility Provider that fails to make a timely Request shall be deemed to be  
8 satisfied that Debtor’s Adequate Assurance provides adequate assurance of payment to such  
9 Utility Provider within the meaning of 11 U.S.C. § 366, and shall further be deemed to have  
10 waived any right to seek additional adequate assurance during the course of his Chapter 11 case;

11           6.       Debtor may supplement the Utility Providers List. Any subsequently identified  
12 Utility Provider set forth on a supplemental exhibit will fall within the scope of this Order from  
13 the date of the filing of such supplemental exhibit. Any Utility Provider not listed on the original  
14 Utility Provider List but included on a supplemental exhibit shall be served with notice and a  
15 copy of this Order within five (5) business days after the supplemental exhibit is filed with the  
16 Court, and is afforded thirty (30) days from the date of service to make a Request. Such Request  
17 must otherwise comply with the requirements of this Order;

18           7.       Nothing in this Order or the Motion shall be deemed to vacate or modify any  
19 other restrictions on the termination of service by a Utility Provider as provided by 11 U.S.C. §§  
20 362 and 366 or other applicable law, and nothing herein or in the Motion shall constitute post-  
21 petition assumption or adoption of any agreement pursuant to 11 U.S.C. § 365 nor shall anything  
22 herein be deemed a waiver by Debtor or any other party of any right with respect to the  
23 assumption or rejection of an executory contract;

24           8.       Notwithstanding the possible applicability of Rule 6004(h) of the Federal Rules  
25 of Bankruptcy Procedure, the terms and conditions of this Order shall be immediately effective  
26 and enforceable upon its entry; and

27 ...

28 ...

9. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

**IT IS SO ORDERED.**

PREPARED AND SUBMITTED:

APPROVED / DISAPPROVED:

By: /s/ Matthew C. Zirzow  
 LARSON & ZIRZOW, LLC  
 ZACHARIAH LARSON, ESQ.  
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By: /s/ Vaughn M. Greenwalt  
 LANG, HANIGAN & CARVALHO, LLP  
 VAUGHN M. GREENWALT, ESQ.  
 California Bar No. 298481  
 21550 Oxnard Street, Suite 760  
 Woodland Hills, California 91367

Attorneys for Excelsior Media Corp.  
 and Liberty Media Holdings, LLC

Attorneys for Debtor

**LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Vaughn M. Greenwalt, Esq. (Counsel for Excelsior Media Corp. and Liberty Media Holdings:	Approved
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☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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